

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

*

PLAINTIFF,

*

v.

*

VERONICA BARNES,

*

DEFENDANT.

*

MOTION REQUESTING RULE 44 CONFLICT HEARING

Comes now Susan G. James recently retained counsel for Veronica Barnes and files this motion requesting that the Court conduct a conflict of interest hearing pursuant to Federal Rule of Criminal Procedure 44(2) to determine whether a conflict of interest exists in the undersigned's representation of Barnes and co-defendant Eric Saucier and, if so, whether the defendants are willing to waive any conflict of interest in joint representation and in support thereof states the following:

1. The undersigned presently represents Eric Saucier in the above referenced case. Saucier is a resident of Mississippi.
2. Veronica Barnes has recently sought representation by the undersigned and the undersigned has been retained to represent her in the above referenced matter.
3. Consultation with Barnes and Saucier satisfy counsel, that no conflict of interest, either actual or possible, exist as neither know each other. Barnes is a resident of Arizona.
4. This is a large conspiracy and it is anticipated that the Government would concede that no evidence exists to connect Saucier and Barnes.
5. Further, the undersigned has reviewed the discovery provided to her by the Government. The undersigned's review of the discovery in this case has satisfied counsel that no conflict exists as there does not appear to be any connection between these defendants other than they are charged in the same conspiracy.
6. Barnes is prepared to execute the appropriate waiver of conflict. Saucier is a resident of Mississippi and on pretrial supervision.

7. Saucier, however, has recently experienced medical problems which will likely limit his ability to travel and possibly cause a delay in the disposition of his case.

8. The undersigned is requesting that Saucier be allowed to execute the appropriate waiver document while in Mississippi and that the advisement of his rights in the Court inquiry pursuant to Federal Rule of Criminal Procedure 44(2) be conducted by teleconference.

9. Wherefore it is respectfully requested that the Court conduct the Rule 44(2) hearing so that counsel may proceed with her representation of Ms. Barnes in order to reach an expedited disposition of her case.

10. The undersigned has spoken with Clark Morris with regard to joint representation in this case and Ms. Morris did not indicate that she believed there was a conflict of interest in counsel's representation of both of these defendants.

Respectfully submitted,

s/Susan G. James
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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

A. Clark Morris
AUSA
P. O. Box 197
Montgomery, Alabama 36101

Respectfully submitted,

s/Susan G. James
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